

### **REMARKS/ARGUMENTS**

The Office Action mailed September 13, 2011 has been carefully reviewed and these remarks are responsive to that Office Action. Upon entry of this response, claims 1-6, 8-26, and 29-35 remain pending in this Application. Claims 26, 29-31 and 35 are rejected and claims 1, 2, 5, 6, 8, 9, 12-21 and 23-26 are objected to. Reconsideration and allowance of this Application are respectfully requested. The Examiner is requested to call the undersigned by phone if it is felt that this response does not place the Application in condition for allowance.

#### **Allowable Subject Matter**

Applicants thank the Examiner for stating that claims 1-6, 8-25, and 32-34 would be allowable if amended to overcome the objections set forth in the Office Action. Upon entry of this response, Applicants have amended these claims where required to overcome the objections set forth in the Office Action.

#### **Amendments to the Drawings**

Please modify Figure 4 as indicated in the replacement drawing sheet attached to this response. Applicants have not added any new matter to Figure 4. Rather, Applicants have merely corrected a typographical error (modified the label “Tunnel Type Identifier” to “Tunnel Identifier”) to make the drawings consistent with the latest amendments to the specification.

#### **Claims Objections**

Claims 1, 2, 5, 6, 8, 9, 12-21 and 23-26 are objected to because of the following informalities: claims 2, 5, 9, 12, 16-21 and 23 are objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a **previous** claim, and claims 1, 6, 8, 12-15, and 23-26 are objected to because the term “tunnel type identifier” in these claims should be changed to “tunnel identifier” in light of the latest amendments to the specification.

First, Applicants respectfully submit that the Office Action misstates 37 C.F.R. 1.75(c) and that, therefore, claims 2, 5, 9, 12, 16-21, and 23 are not in improper dependent form. 37 C.F.R. 1.75(c) states that “one or more claims may be presented in dependent form, *referring back to and further limiting* another claim or claims in the same application.” (See 37 C.F.R.

1.75(c).) Claims 2, 5, 9, 12, 16-21, and 23 are properly constructed dependent claims that refer back to and further limit another claim in the same application. Each of these claims refers to claim numbers that are listed after the claim in question because some of the claims were added to the claim list midway through prosecution (i.e., as new claims). Claims 2, 5, 9, 12, 16-21, and 23 depend on one of claims 32-34 for antecedent basis support for the claim term “downstream channel descriptor (DCD) message.” Prior to printing a patent that is granted from this application, the Examiner is invited to renumber the claims so that the broadest dependent claims for each independent claim are listed first and narrower ones are listed afterwards.

With regard to the second point raised in the Office Action, the term “tunnel type identifier” has been changed to “tunnel identifier” in claims 1, 6, 8, 12-15, and 23-26 in light of the amendments to the specification being submitted with this response.

Therefore, Applicants submit that all claim objections have been addressed and resolved; therefore, reconsideration and allowance of claims 1, 2, 5, 6, 8, 9, 12-21, and 23-26 are respectfully requested.

### **Rejection under 35 U.S.C. § 103**

Claims 26, 29-31 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman (US Patent No. 7324515), hereinafter referred to as Chapman ‘515, in view of Shahar (US Patent No. 7359434), hereinafter referred to as Shahar.

Independent claim 26 has been amended to recite, among other things:

wherein each channel information message identifies at least a portion of the network addresses associated with the one or more tunnels provided by the information distribution system and includes a listing of tunnel types and a listing of tunnel identifiers for differentiating between different tunnels identified with a same tunnel type *but associated with different types of customer premises equipment (CPE)* (emphasis added)

None of the references of record disclose or suggest at least this feature of amended claim 26. The Office Action on page 8 states that claim 26 would be allowable if this feature was added to claim 26 and if all other claim objections were overcome. Applicants agree with the Examiner that this feature of amended claim 26 is neither disclosed nor suggested by the prior art of record. Dependent claims 29-31 and 35 depend from claim 26 and are distinguishable for at least the same reasons as the independent claim from which they depend, and further in view of

the various features recited therein.

**CONCLUSION**

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

Date: December 13, 2011

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